Remarks/Arguments

New claim 10 has been added to more clearly define the invention. Accordingly, claims 1, 3-6 and 10 are now pending in the application.

Acknowledgement of the request for continued examination is noted with appreciation.

Claims 1 and 3-6 stand rejected under 35 USC §103(a) as being unpatentable over Gurantz (U.S. Pat. No. 5,936,660) in view of Ushiyama (U.S. Pat. No. 6,349,140)

Applicant respectfully submits that, for the following reasons, each of the pending claims is patentably distinguishable over the prior art of record.

The present invention is directed to a pay-per-use communication device for descrambling signals such as television signals. Toward that end claim 1 of the present invention recites:

> ... first and second processing pathways having respective first and second descrambling modules able to undertake the conversion of the first and second scrambled signals into first and second descrambled signals... (emphasis added).

The Gurantz reference is directed to "a digital video conversion system housing multiple converter chains of units in a single main box chassis." Abstract. According to the Gurantz reference, "[f]or serving a plurality of television sets, the converter box includes a plurality of chains, each including a tuner 102, demodulator 104, a decompression unit 110 and an RF video modulation unit 108. The chains share a single control access unit 110 and one or more remote control receivers 112..." Column 4, lines 5-10.

In the response to arguments, the examiner asserts that Gurantz teaches independent chains containing "independent tuning, demodulation, and video decompression chain for each independently operating television set." The examiner then concludes that these independent chains "providing the operations of tuning, demodulating, and descrambling, which are **asserted to be equivalent** with providing independent processing pathways which provide a descrambled signal. (emphasis added)" However, the examiner fails to provide any basis or reasoning for the conclusion that the independent channels for tuning and demodulating necessarily leads to channels also having separate descrambling modules.

Applicant has carefully reviewed Gurantz and is unable to find any specific references that would necessarily lead to the conclusion that independent channels for tuning and demodulation also include separate descrambling modules. In fact, Figure 3 specifically shows each separate element of the independent channels, but fails to show separate descrambling modules. Instead, the figure shows each of the independent channels being connected to a common, single access module, but shows nothing with regard to the descrambling module. Also, the portion of Gurantz cited by the examiner says nothing in this regard (col. 2, lines 43-47 "The converter box employs an independent tuning, demodulation, and video decompression chain for each independently operating television set in the house, but shares a common conditional access circuit, remote control receiver, power supply and chassis.") Therefore, applicant submits that examiner's assertion is merely a conclusory statement not specifically supported by the teachings of Gurantz.

Second, the examiner acknowledges that Gurantz fails to teach "... first and second processing pathways comprising respective first and second management means for driving the conversions of the first and second scrambled signals via selected ones of the first and second descrambling modules, and in that the first management means is arranged to communicate with the access control module to activate the conversion of the first scrambled signals, and the second management means is arranged to communicate with the access control module

by way of the first management means to activate the conversion of the second scrambled signals."

In an attempt to remedy this acknowledged deficiency, the Office Action proposes to combine Gurantz with the Ushiyama reference.

The Ushiyama reference is directed to "[a] TV signal that was scrambled and transmitted from a CATV center [that] is tuned by a TV tuner for a parent unit or a TV tuner for a child unit...[w]hen the parent unit or the child unit cannot receive a desired pay channel program, the microprocessor causes a character generating unit to generate a message that indicates that a pay channel program cannot be watched," (emphasis added). Abstract.

Applicant respectfully submits that the proposed combination of Gurantz and Ushiyama does not anticipate or render obvious the invention as claimed. The proposed combination of Gurantz and Ushiyama is not properly made because the references teach away from the proposed combination. Further, even if the combination were properly made, it would not teach or suggest every feature of the invention as claimed.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. A prima facie case of obviousness may be rebutted by showing that the art, in any material respect, teaches away from the claimed invention.

Applicant respectfully submits that Gurantz and Ushiyama may not properly be combined in the manner suggested because Ushiyama expressly teaches away from the proposed combination with Gurantz.

The Gurantz patent describes "... outputting a plurality of decrypted baseband video signals simultaneously, ...[to] a plurality of individual television sets..." Column 6 line 66-column 7-line 3 (claim 14) and figure 3. Ushiyama, in contrast, states that while "...the parent unit 21 is receiving a pay channel

program, ... it causes the character generating unit 30 to output a message "PAY CHANNEL PROGRAM CANNOT BE DISPLAYED" to the child unit... [c]onsequently, the user who wants to see a pay channel program on the child unit side knows that since a pay channel program is being received by another subscriber terminal unit, the pay channel program cannot be displayed on the child unit side TV receiver 26," (emphasis added). Column 10, lines 23-44. Accordingly, it is clear that Gurantz and Ushiyama teach directly away from their mutual combination with one another. Therefore, the proposed combination of Gurantz and Ushiyama under 35 USC §103(a) cannot properly be made.

Even if, *arguendo*, the proposed combination were found to be proper, the Gurantz and Ushiyama references, taken together, do not teach or suggest every feature of the claimed invention. Applicant respectfully notes that the Ushiyama reference teaches that only one of the subscriber terminals, that is, the parent terminal, has a descrambling function, and does not teach or suggest first and second descrambling modules. For example, Ushiyama states:

> ...only the parent subscriber terminal unit have [sic] a descrambling function...[i]n addition, in a system where a center transmits scrambled information to a plurality of subscriber terminal units, when only the parent subscriber terminal unit has the descrambling function, the number of subscriber terminal units controlled by the center can be decreased and thereby the load of the processing performed by the center can be reduced. Emphasis added. Column 12, lines 1-10 (see also, col. 4, lines 16-22).

From this statement is clear that only the parent subscriber terminal has a descrambling function and **there is nothing to suggest that the parent subscriber module includes more than one descrambling function**. Accordingly, Ushiyama does not teach or suggest first and second management means driving the conversions of the first and second scrambled signals via selected ones of first and second descrambling modules as recited in claim 1.

The examiner appears to contend that the elements in the child unit of Ushiyama corresponds to the recited management means becasue such elements generate the request that is transmitted to the parent unit. Applicant submits that even assuming arguendo that the elements of the child unit can be described as a management means, such elements fail to meet the recited limitation because the elements communicate with a parent module, which does not include more than one scrambling module. As mentioned above, Ushiyama teaches away from the proposed combination, and nothing in Ushiyama teaches or suggests that the parent subscriber module includes more than one descrambling function.

Since neither Gurantz nor Ushiyama teaches the recited features of present claim 1, no *prima facie* case exists for the asserted obviousness of the invention as claimed.

In light of the foregoing, Applicant respectfully submits that Gurantz and Ushiyama, are not properly combined and that whether taken alone or in combination, these references do not teach or suggest the claimed invention. Therefore, withdrawal of the pending rejection of claim 1 under 35 USC §103(a) over Gurantz in view of Ushiyama is respectfully solicited.

Claims 3-6 each depend, directly or indirectly, from claim 1 and incorporate every limitation thereof. Accordingly, for at least the reasons given above in relation to claim 1, the rejections of claims 3-6 under 35 USC §103(a) over Gurantz in view of Ushiyama should be withdrawn.

New claim 10 has been added to more clearly define the invention. Support for claim 10 is found within the specification as originally filed, including at page 5, lines 36-39 wherein the specification describes a "... demultiplexing block 13 [which] is combined with a descrambler module 16 which carries out the selection and the descrambling of the packets of the chosen broadcast programme."

Having fully addressed the rejections in the Office Action, it is believed that this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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